

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

MICHAEL E. MONTGOMERY	:	
Plaintiff	:	
v.	:	Civil Action No. 7:05cv00131
	:	
SIA JOHNSON, et al	:	
Defendants	:	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Come now the defendants, by counsel, and, pursuant to Rule 56 of the Federal Rules of Civil Procedure, respectfully request that the Court enter summary judgment in their favor as there is no genuine issue as to any material fact and the defendants are entitled to judgment as a matter of law.

Respectfully submitted,

TIMOTHY J. HEAPHY
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CERTIFICATE OF SERVICE

I hereby certify that I have this 30th day of October, 2009, caused the foregoing **DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** to be electronically filed with the Clerk of the Court using the CM/ECF system, which will provide a copy thereof to the following:

Lonnie D. Nunley, III
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